



General Assembly

January Session, 2005

**Substitute Bill No. 1032**

\* SB01032PS\_ED\_031705 \*

**AN ACT CONCERNING SPRINKLERS IN EDUCATIONAL  
OCCUPANCIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 29-315 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) (1) When any building is to be built having more than four  
5 stories and is to be used for human occupancy, such building shall  
6 have an automatic fire extinguishing system approved by the State Fire  
7 Marshal on each floor.

8 (2) When any building is (A) to be built as an educational  
9 occupancy, (B) eligible for a school building project grant pursuant to  
10 chapter 173, and (C) put out to bid on or after July 1, 2004, such  
11 building shall have an automatic fire extinguishing system approved  
12 by the State Fire Marshal on each floor. ["Educational occupancy" shall  
13 have] As used in this subsection, "educational occupancy" has the  
14 same meaning as provided in the Fire Safety Code.

15 (3) The State Fire Marshal or the State Building Inspector may grant  
16 variations or exemptions from, or approve equivalent or alternate  
17 compliance with, any provision of the Fire Safety Code or the State  
18 Building Code, as the case may be, for any municipality with regard to

19 a building that complies with the requirement in subdivision (2) of this  
20 subsection, where strict compliance with any provision of such code  
21 during the course of a school building project involving the installation  
22 of an automatic fire extinguishing system would entail practical  
23 difficulty or unnecessary hardship or is otherwise adjudged  
24 unwarranted, provided any such variation or exemption or approved  
25 equivalent or alternate compliance shall, in the opinion of such official,  
26 secure the public safety. Any such determination by the State Fire  
27 Marshal or the State Building Inspector shall be in writing. Any person  
28 aggrieved by any decision of the State Fire Marshal or the State  
29 Building Inspector may appeal to the Codes and Standards Committee  
30 no later than fourteen days after issuance of the decision. Any person  
31 aggrieved by any ruling of the Codes and Standards Committee may  
32 appeal to the superior court for the judicial district wherein such  
33 building is located.

34 Sec. 2. Subsection (a) of section 10-286 of the general statutes is  
35 repealed and the following is substituted in lieu thereof (*Effective from*  
36 *passage*):

37 (a) The amount of the grant approved by the Commissioner of  
38 Education under the provisions of this chapter for any completed  
39 school building project shall be computed as follows:

40 (1) For the fiscal year ending June 30, 1984, and each fiscal year  
41 thereafter, in the case of a new school plant, an extension of an existing  
42 school building or projects involving the major alteration of any  
43 existing building to be used for school purposes, the eligible  
44 percentage, as determined in section 10-285a, of the result of  
45 multiplying together the number representing the highest projected  
46 enrollment, based on data acceptable to the Commissioner of  
47 Education, for such building during the eight-year period from the  
48 date a local or regional board of education files a notification of a  
49 proposed school building project with the Department of Education,  
50 the number of gross square feet per pupil determined by the  
51 Commissioner of Education to be adequate for the kind of educational

52 program or programs intended, and the eligible cost of such project,  
53 divided by the gross square feet of such building, or the eligible  
54 percentage, as determined in section 10-285a, of the eligible cost of  
55 such project, whichever is less, provided, (A) any such project on  
56 which construction was started prior to July 1, 1975, shall be  
57 reimbursed under the formula in effect prior to said date, (B) any such  
58 project on which construction or payments under this chapter were  
59 started after June 30, 1975, but prior to July 31, 1983, shall be  
60 reimbursed based upon the data, submitted for each such project and  
61 accepted by the Department of Education during said period,  
62 representing the number of pupils the plant was designed to  
63 accommodate, (C) any project for which final grant calculation has  
64 been made after June 30, 1975, but prior to July 31, 1983, shall be  
65 reimbursed based upon such final calculation, and (D) any such project  
66 for which estimated grant payments were begun prior to July 31, 1983,  
67 shall be reimbursed based upon the calculation formula used in  
68 making such estimated grant payments;

69 (2) In case of projects involving the purchase of an existing building  
70 to be used for school purposes, the eligible percentage, as determined  
71 in section 10-285a, of the eligible cost as determined by the  
72 Commissioner of Education, provided any project for which an  
73 application is made on or after July 1, 1995, involving the purchase and  
74 renovation of an existing facility, may be exempt from the standard  
75 space specifications, and otherwise ineligible repairs and replacements  
76 may be considered eligible for reimbursement as part of such a project,  
77 if information is provided acceptable to the commissioner  
78 documenting the need for such work and the cost savings to the state  
79 and the school district of such purchase and renovation project in  
80 comparison to alternative construction options;

81 (3) If any school building project described in subdivisions (1) and  
82 (2) of this subsection includes the construction, extension or major  
83 alteration of outdoor athletic facilities, tennis courts or a natatorium,  
84 gymnasium or auditorium, the grant for the construction of such  
85 outdoor athletic facilities, tennis courts and natatorium shall be limited

86 to one-half of the eligible percentage for subdivisions (1) and (2) of the  
87 net eligible cost of construction thereof; the grant for the construction  
88 of an area of spectator seating in a gymnasium shall be one-half of the  
89 eligible percentage for subdivisions (1) and (2) of the net eligible cost of  
90 construction thereof; and the grant for the construction of the seating  
91 area in an auditorium shall be limited to one-half of the eligible  
92 percentage for subdivisions (1) and (2) of the net eligible cost of  
93 construction of the portion of such area that seats one-half of the  
94 projected enrollment of the building, as defined in subdivision (1) of  
95 this subsection, which it serves;

96 (4) In the case of a regional vocational agriculture center or the  
97 purchase of equipment pursuant to subsection (a) of section 10-65 or a  
98 regional special education facility pursuant to section 10-76e, an  
99 amount equal to the eligible cost of such project, as determined by the  
100 Commissioner of Education;

101 (5) In the case of a public school administrative or service facility,  
102 one-half of the eligible percentage for subdivisions (1) and (2) of this  
103 subsection of the eligible project cost as determined by the  
104 Commissioner of Education, or in the case of a regional educational  
105 service center administrative or service facility, the eligible percentage,  
106 as determined pursuant to subsection (c) of section 10-285a, of the  
107 eligible project cost as determined by the commissioner;

108 (6) In the case of the total replacement of a roof or the total  
109 replacement of a portion of a roof which has existed for at least twenty  
110 years, or in the case of the total replacement of a roof or the total  
111 replacement of a portion of a roof which has existed for fewer than  
112 twenty years when it is determined by a registered architect or  
113 registered engineer that such roof was improperly designed or  
114 improperly constructed and the town is prohibited from recovery of  
115 damages or has no other recourse at law or in equity, the eligible  
116 percentage for subdivisions (1) and (2) of this subsection, of the eligible  
117 cost as determined by the Commissioner of Education. In the case of  
118 the total replacement of a roof or the total replacement of a portion of a

119 roof which has existed for fewer than twenty years (A) when it is  
120 determined by a registered architect or registered engineer that such  
121 roof was improperly designed or improperly constructed and the town  
122 has recourse at law or in equity and recovers less than such eligible  
123 cost, the eligible percentage for subdivisions (1) and (2) of this  
124 subsection of the difference between such recovery and such eligible  
125 cost, and (B) when the roof is at least fifteen years old but less than  
126 twenty years old and it cannot be determined by a registered architect  
127 or registered engineer that such roof was improperly designed or  
128 improperly constructed, the eligible percentage for subdivisions (1)  
129 and (2) of this subsection of the eligible project costs provided such  
130 costs are multiplied by the ratio of the age of the roof to twenty years.  
131 For purposes of this subparagraph, the age of the roof shall be  
132 determined in whole years to the nearest year based on the time  
133 between the completed installation of the old roof and the date of the  
134 grant application for the school construction project for the new roof;

135 (7) For the fiscal year ending June 30, 1984, and for each fiscal year  
136 thereafter, in the case of projects to correct code violations, the eligible  
137 percentage, as determined in section 10-285a, of the eligible cost as  
138 determined by the Commissioner of Education;

139 (8) In the case of a renovation project for which an application is  
140 made on or after July 1, 1995, the eligible percentage as determined in  
141 subsection (b) of section 10-285a, multiplied by the eligible costs as  
142 determined by the commissioner, provided the project may be exempt  
143 from the standard space specifications, and otherwise ineligible repairs  
144 and replacements may be considered eligible for reimbursement as  
145 part of such a project, if information is provided acceptable to the  
146 commissioner documenting the need for such work and the cost  
147 savings to the state and the school district of such renovation project in  
148 comparison to alternative construction options;

149 (9) In the case of projects approved to remedy certified school  
150 indoor air quality emergencies, the eligible percentage, as determined  
151 in section 10-285a, of the eligible cost as determined by the

152 Commissioner of Education;

153 (10) In the case of a school building project put out to bid on or after  
 154 July 1, 2004, that includes the installation of an automatic fire  
 155 extinguishing system pursuant to subdivision (2) of subsection (a) of  
 156 section 29-315, as amended by this act, in any school facility within a  
 157 municipality not served by a public water supply system, or in any  
 158 school facility served by a public water supply system that cannot  
 159 provide the required volume or pressure of water to operate an  
 160 automatic fire extinguishing system, an amount equal to the eligible  
 161 percentage, as determined in section 10-285a, plus fifteen percentage  
 162 points, except that no municipality shall receive a grant under this  
 163 subdivision in an amount that is less than seventy-five per cent or  
 164 more than ninety-five per cent of the cost of such installation.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	29-315(a)
Sec. 2	<i>from passage</i>	10-286(a)

**PS**

*Joint Favorable Subst. C/R*

**ED**